UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/507,428	02/19/2000	Todd M. Spencer	10991108-1	1394

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EXAMINER
KUPSTAS, TOD A

ART UNIT	PAPER NUMBER
2153	

DATE MAILED: 08/07/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _10 February 2003_ .

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-18_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _1-18_ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____ .

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .

4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____ .

DETAILED ACTION

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act

of 1999 (AIPA) do not apply to the examination of this application as the application being

examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35

U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the

amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2.   Claims 1-5, 7-11, 13-17 are rejected under 35 U.S.C. 102(e) as being anticipated by

Varma (US 6,336,134).

As set forth in claim 1, Varma discloses a system (fig. 2 (shows a computer system)) for

providing synchronization verification of multiple applications across remote systems; see col. 7,

lines 15-18 (these lines disclose the synchronization of the programs), the synchronization

verification system comprising: local application sharing logic configured to receive events to be

shared from a local application comprising at least one local application window, and transmit said events to be shared; see col. 5, lines 50-55, col. 7, lines 1-21 (the synchronization information is utilized to maintain the uniformity of the system and work spaces used); remote application sharing logic configured to receive events to be shared from said local application sharing logic (the synchronization), and transmit said events to at least one corresponding remote application comprising at least one remote application window, for processing (part of the synchronization involves communication with the other client); and window synchronization verification logic configured to correlate said sat least one local application window with said at least one remote application window (the synchronization of the system performs this correlation; see generally col. 5-col. 13, for the disclosure related to the synchronization of the system. The system generally involves the collaboration of clients in a work space. This collaboration requires the synchronization of information in order to perform the workgroup functions over a network. The system additionally delineates between both static and dynamic areas for determining the relevant synchronization system).

As set forth in claim 2, Varma discloses a system wherein said window synchronization verification logic further comprises: static synchronization verification logic configured to verify synchronization of said at least one local application window with said at least one remote application window at system startup; see col. 6, lines 55-60 (here it states that the system determines which partitions can remain unchanged in contrast to the dynamically changed elements, this is the static synchronization).

As set forth in claim 3, Varma discloses a system wherein said static synchronization verification logic further comprises: local static synchronization verification logic configured to select said first local application window and direct said at least one corresponding remote application to locate a first remote application window corresponding to said first local application window; and remote static synchronization verification logic configured to find said first remote application window corresponding to said first local application window in said at least one corresponding remote application; see col. 6, line 53-col. 7, line 21 (part of the synchronization involves correlating the programs to be synchronized with each other).

As set forth in claim 4, Varma discloses a system wherein remote static synchronization verification logic further comprises: remote static synchronization reply logic configured to notify said local static synchronization verification logic if said first remote application window corresponding to said first local application window is found in said at least one corresponding remote application; and wherein said local static synchronization verification logic further comprises: local message generation logic configured to generate a message for display to said local application if said first remote application window corresponding to said first local application window is not found; see col. 17, line 62-col. 18, line 14 (indication that the specified program is not existent, upon attempting to perform a modification notification is sent as to whether that modification is permitted by the client).

As set forth in claim 5, Varma discloses a system wherein said window synchronization verification logic further comprises: dynamic synchronization verification logic configured to

verify synchronization of said at least one local application verification logic configured to verify synchronization of said at least one local application window with said at least one remote application window when said events to be shared are received by said remote application sharing logic; see col. 13, line 60-col. 14, line 59, and col. 5, lines 47-59 (the dynamic process and the work spaces are synchronized to each other so that the dynamically altered areas are synchronized).

As set forth in claim 7, Varma discloses a method for providing synchronization verification of multiple applications across remote systems (fig. 2 (shows a computer system)) also see col. 7, lines 15-18 (these lines disclose the synchronization of the programs), comprising the steps of: selecting a local application, said local application at least one local application window, to share events with at least one corresponding remote application; see col. 5, lines 50-55, col. 7, lines 1-21 (the synchronization information is utilized to maintain the uniformity of the system and work spaces used), said at least one corresponding remote application including at least one remote application window (the synchronization requires communication with another client); transmitting said shared events from said at least one local application window to said at least one remote application window for processing (part of the synchronization process); and verifying synchronization of said at least one local application window with said at least one remote application window; see generally col. 5-col. 13, for the disclosure related to the synchronization of the system. The system generally involves the collaboration of clients in a work space. This collaboration requires the synchronization of information in order to perform the

workgroup functions over a network. The system additionally delineates between both static and

dynamic areas for determining the relevant synchronization system).

As set forth in claim 8, Varma discloses a method further comprising the step of:

providing static synchronization of said at least one local application window with said at least

one remote application window prior to transmitting said shared events; see col. 6, lines 55-60

(here it states that the system determines which partitions can remain unchanged in contrast to the

dynamically changed elements, this is the static synchronization).

As set forth in claim 9, Varma discloses a method further comprising the steps of:

selecting a first local application window; directing said at least one corresponding remote

application to locate a first remote application window corresponding to said first local

application window; and finding said first remote application window corresponding to said first

local application window in said at least one corresponding remote application; see col. 6, line 53-

col. 7, line 21 (part of the synchronization involves correlating the programs to be synchronized

with each other).

As set forth in claim 10, Varma discloses a method further comprising the steps of:

notifying said local application if said first remote application window corresponding to said first

local application window is found in said at least one corresponding remote application; and

generating a message for display by said local application if said first remote application window

corresponding to said first local application window is not found; see col. 17, line 62-col. 18, line

14 (indication that the specified program is not existent, upon attempting to perform a modification notification is sent as to whether that modification is permitted by the client).

As set forth in claim 11, Varma discloses a method further comprising the step: verifying synchronization of said at least one local application window with said at least one remote application window when said events to be shared are received by said at least one remote application window; see col. 13, line 60-col. 14, line 59, and col. 5, lines 47-59 (the dynamic process and the work spaces are synchronized to each other so that the dynamically altered areas are synchronized).

As set forth in claim 13, Varma discloses a system for providing synchronization verification of multiple applications across remote systems (fig. 2 (shows a computer system)) also see col. 7, lines 15-18 (these lines disclose the synchronization of the programs), the synchronization verification system comprising: means for selecting a local application, said local application including at least one local application window to share events with at least one corresponding remote application; see col. 5, lines 50-55, col. 7, lines 1-21 (the synchronization information is utilized to maintain the uniformity of the system and work spaces used), said at least one corresponding remote application including at least one remote application window; means for transmitting said shared events from said at least one local application window to said at least one remote application window for processing (part of the synchronization process requires communication with another client); and means for verifying synchronization of said at least one local application window with said at least one remote application window; see generally

col. 5-col. 13, for the disclosure related to the synchronization of the system. The system generally involves the collaboration of clients in a work space. This collaboration requires the synchronization of information in order to perform the workgroup functions over a network. The system additionally delineates between both static and dynamic areas for determining the relevant synchronization system).

As set forth in claim 14, Varma discloses a system wherein said verifying synchronization means further comprises: means for providing static synchronization of said at least one local application window with said at least one remote application window prior to transmitting said share events; see col. 6, lines 55-60 (here it states that the system determines which partitions can remain unchanged in contrast to the dynamically changed elements, this is the static synchronization).

As set forth in claim 15, Varma discloses a system wherein said means for providing static synchronization further comprises: means for selecting a first local application window; means for directing said at least one corresponding remote application to locate a first remote application window corresponding to said first local application window; and means for finding said first remote application window corresponding to said first local application window in said at least one corresponding remote application; see col. 6, line 53-col. 7, line 21 (part of the synchronization involves correlating the programs to be synchronized with each other).

As set forth in claim 16, Varma discloses a system wherein said means for providing static synchronization further comprises: means for notifying said local application if said first remote

application window corresponding to said first local application window is found in said at least

one corresponding remote application; and means for generating a message for display by said

local application if said first remote application window corresponding to said first local

application window is not found; see col. 17, line 62-col. 18, line 14 (indication that the specified

program is not existent, upon attempting to perform a modification notification is sent as to

whether that modification is permitted by the client).

As set forth in claim 17, Varma discloses a system further comprising: means for dynamic

synchronization of said at least one local application window with said at least one remote

application window when said shared events are received by said at least one remote application

window; see col. 13, line 60-col. 14, line 59, and col. 5, lines 47-59 (the dynamic process and the

work spaces are synchronized to each other so that the dynamically altered areas are

synchronized).

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness

rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4.   Claims 6, 12, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Varma (US 6,336,134) in view of Katsurabayashi (US 6,308,199).

Varma discloses having the synchronization system, however Varma does not disclose providing for a failed dynamic synchronization message. Katsurabayashi discloses a system for having a shared work space, wherein a check is made as to whether or not synchronization is established. Further processing of information is based on the notification of whether or not the synchronization is established and the systems are notified as to the status of the system; see col. 9, lines 49-63. It would have been obvious to a person of ordinary skill in the art at the time this invention was made to have provided the system of Varma, with failed synchronization notification, as taught by Katsurabayashi. The rationale is as follows: It would have desirable to have provided notice to the system of failed synchronization. As Katsurabayashi teaches the desirability of providing notice of synchronization failure, one of ordinary skill would have been motivated by Katsurabayashi's teaching to have provided the system of Varma with means for notifying a client of dynamic synchronization failure, thereby having provided indication means for informing a client as to the reason for work space failure and means for providing notice for need for reestablishment of synchronization.

Conclusion

5.   Applicant's arguments filed 2/10/2003 have been fully considered but they are not persuasive.

Applicant argues on page 4 of the response that there are no means within Varma to verify synchronization. The Examiner disagrees noting that Varma is directed to providing collaboration over a network. Part of this collaboration procedure is to ensure that the respective partitions are synchronized. In order to accomplish this the system constantly checks and rechecks various parameters related to history servers; see col. 6, line 53-col. 7, line 21, also see for example, col. 9, line 51-col. 13, line 57, for a discussion on the various ways in which synchronization is achieved in the systems. This rechecking and analysis of the history of events provides verification that the system is synchronized. The systems disclosed in Varma enable the system to constantly be reverifying the existence of synchronization.

On page 4, Applicant further argues that Varma does not share "events" and instead shares "modifications." The Examiner first notes that a modification is an event, and therefore Varma meets the limitations of the claims. The Examiner does not see how the term "events" has been narrowly defined to preclude the inclusion of "modifications" within that term. However, the Examiner also points to col. 11, lines 48-63, wherein those lines set forth the variability of defining what constitutes a modification. The Examiner maintains that Varma teaches this limitation of the claims.

On pages 4-5, Applicant argues that Varma does not disclose the existence of "remote sharing logic." Applicant argues that since Varma discloses that modification requests are transmitted directly to the respective partition server there would be no remote sharing logic. The Examiner disagrees, noting that the term "remote sharing logic," or "corresponding remote

application," merely implies that there is logic on the other systems in the network related to the synchronization of the system. This is at least met by the clients in Varma's system having their respective systems enabled to perform and receive synchronization input. When a client in Varma is participating in a collaborative session with another client, that other client has "remote sharing logic" to enable the collaborative session to operate. The Examiner maintains that the limitations of the claims are met by Varma.

Applicant argues on page 6, that there is "no motivation found in the prior art that would teach one of ordinary skill to combine the references as suggested." Motivation can be found in the teaching Katsurabayashi. Katsurabayashi teaches the desirability of providing notice of synchronization failure, one of ordinary skill would have been motivated by Katsurabayashi's teaching to have provided the system of Varma with means for notifying a client of dynamic synchronization failure, thereby having provided indication means for informing a client as to the reason for work space failure and means for providing notice for need for reestablishment of synchronization. The motivation is therefore found in benefit the usage of such a notification system would provide to one of ordinary skill in the art. The Examiner maintains that the combination is proper.

Conclusion

6.   Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this

final action.

6.   Any inquiry concerning this communication or earlier communications from the examiner

should be directed to Tod Kupstas whose telephone number is (703) 305-2655.

        If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Glenton Burgess, can be reached at (703) 305-4792. The fax phone number for this

art unit is (703) 308-7201. Any inquiry of a general nature or relating to the status of this

application or proceeding should be directed to the technology center receptionist whose

telephone number is (703) 305-3900.

Tod Kupstas

August 5, 2003

KRISNA LIM
PRIMARY EXAMINER